

Washington County Land Use Authority Meeting
March 9, 2010
(Recording available)

The Washington County Land Use Authority Meeting was held on Tuesday, March 9, 2010, at the Washington County Administration Building, 197 E. Tabernacle, St. George, Utah. The meeting was convened at 1:30 p.m. by Chairman Stucki. Commissioners present: Debora Christopher, Doug Wilson, Joann Balen, and Rick Jones. Also present: Deon Goheen, Planning & Zoning Administrator; Dave Patterson, Lead Civil Attorney; Kurt Gardner, Building Official; Ron Whitehead, Public Works Director; and Dean Cox, County Commission Administrator.

Excused: Kim Ford, Julie Cropper, Dave Everett, and Rachelle Ehlert, Deputy Attorney

Audience attendance: Tom Heaton, Scott Snow, and Karl Rasmussen.

Chairman Stucki led the audience in the Pledge of Allegiance and explained meeting protocol.

Item # 1. STAFF COMMENTS Review staff comments for each item listed below. Staff initiated.

Item #2. STATEMENT. Implementation of pending Land Use Ordinance amendment to Wireless Communication Facilities to establish minimum requirements and regulations on such systems County initiated.

Chairman Stucki read the following prepared statement:

Notice of Pending Telecommunications Ordinance

The Washington County Commission seeks to protect the health, safety and welfare of the citizens of Washington County, and desires to review regulations for telecommunications towers and antennae within the unincorporated areas of Washington County. The Washington County Planning Commission will schedule work meetings to address appropriate locations, type, size and usages of telecommunications towers and other applications in Washington County. Washington County encourages both the community and the telecommunications industry to become involved in the development of any new ordinance. The Planning Commission will make recommendations to the Washington County Commission regarding telecommunications, and will hold public hearings if necessary.

Item #3.CONDITIONAL USE PERMIT EXTENSION. Review extension to run a new transmission line from Central to the Middleton Substation and install a temporary line from the Middleton Substation to St. George Substation, fencing and expansion on the existing facility. Rocky Mountain Power/Project Manager Paul Henry, applicant

The Planner said this will be the 3rd extension in 5 years. These types of uses for utilities are conditionally approved within the OSC & OST zone. The utility has received approval to expand the existing St. George Switchyard (SGSY) in the Red Hills Desert Reserve, building a 138 kV line from SGSY to Middleton Substation, and building a 138 kV double circuit line

convertible to 345 kV (to replace the existing 138 kV line) from Red Butte Substation near Central, Utah to SGSY. They have installed a tortoise fence around the substations. Both UAMPS and PacifiCorp (Rocky Mtn. Power) are in need of this expansion project, so they have joined together in this effort. PacifiCorp (Rocky Mtn. Power) is amending their existing BLM ROW and Dixie National Forest special use permit to add facilities and increase capacity. The new 138 kV double circuit line will be built 25 feet west of and parallel to PacifiCorp's (Rocky Mtn. Power's) existing 138 kV line, which will be removed afterward. The applicant is in attendance to review their progress with the commissioners.

Tom Heaton, Customer Community Manager for Rocky Mountain Power, said he is standing in for Mark Cox who was unable to attend due to a schedule conflict. He said they have run in to some issues trying to obtain easements for the proposed change; saying one property owner does not want to allow an easement for a pole on their property and also won't allow an over hang easement. Mr. Heaton, Ron Whitehead and the Planning Commission reviewed the map showing where the existing line runs, where the proposed change would be and identified the properties they were unable to obtain easements from. Mr. Heaton said they have obtained all but three of the easements needed in the new alignment and they are confident they will be able to obtain the last three within a couple of weeks.

Commissioner Doug Wilson expressed concern approving large power poles through private property.

The commission asked if the easements specify the amount of power going through the line and Mr. Heaton said the easement states a range of voltage that can be approved on that line and if they want to go over that amount they have to get new easements.

Commissioner Christopher stated the line was originally moved from 2450 to the wash because of health concerns for families living under these poles. She said it would be nice to know what the original legal easements entailed. She also stated even doctors have spoke about the problems with these high voltage power lines that are to hot to put under ground.

Mr. Heaton informed the commission that you are actually closer to the lines when they are underground then when they are overhead. He explained there have been a lot of international studies done on the effects of EMF and there are no sound conclusions either way to prove or disprove the impact the lines may have on people living close to them; however, he added he does understand their concerns and agrees they should be addressed. He included he did not understand the relevance of the commission wanting to see the old easements that had been signed since the new easements would replace those anyway. He said they may want to see them for safety reasons, but there are currently no hard facts on the issue to review. He said they have this conflict in every community; everyone wants quality service without being impacted by these facilities.

The Commission said they would still be interested in knowing the history of the transmission line and the easements before making a decision. They discussed the original voltage and the current voltage. They also said they would like photos, dimensions of the structures and a copy of the easements.

Mr. Heaton provided a short update on the 345 going through the reserve, saying it is on schedule to be completed by May 1st.

Motion was made by Commissioner Balen to table the Conditional Use Permit Extension. Commissioner Wilson seconded the motion, with all four (4) commissioners voting aye.

Item #4. SITE PLAN REVIEW EXTENSION. Review construction progress on a 2,400 square foot metal building for a warehouse rental within the M-1 (Manufacturing) Zone near Veyo, Utah. Allen Feller, applicant

The Planner explained this is an automatic annual review on a site plan approval within the M-1 zone based on site development standards within that zone, Chapter 11: 10-11-3 and 10-11-4: Special Provisions, Washington County Zoning Ordinance. The structure was inspected for final electrical on February 25, 2009 and because the applicant was out of town, the building department extended the permit process to the end of May 2010. The commission should grant a 6 month extension. Photos were viewed during the meeting presentation and the applicant is present to provide an update.

Scott Snow, representing Allen Feller, said the applicant has been out of town and would like a six (6) month extension. He informed the commission that on the interior he just has a little bit of sheet rock left to finish.

Kurt Gardner, Building Official, said the project is near completion but does need a six (6) foot site obscuring fence.

The Planning Commission discussed the violations Mr. Feller has on another parcel and it was decided that the violation did not pertain to this project and therefore, could not be addressed at this time.

Motion was made by Commissioner Christopher to recommend approval of the Site Plan Extension for 2,400 square foot building for warehouse rental within the M-1 zone near Veyo, Utah, as per agent Scott Snow, for the period of six (6) months. Commissioner Balen seconded the motion, with all four (4) commissioners voting aye.

Item #5. CONDITIONAL USE PERMIT EXTENSION. Review extension to operate a crushing operation and batch plant, Section 11, T40S, R17W, SLB&M, generally located at the Snowfield Ranch Exit. Jason Campbell, applicant and Kurt Allen/Northern Engineering, agent

Due to a lack of representation, no action was taken on this item.

Item #6. CONDITIONAL USE PERMIT. Request permission for the five (5) Zip Lines at Pah Tempe, within the OST 20 Zone, located in the unincorporated area of Washington County. Ken Anderson, applicant

The Planner stated Pah Tempe has been in operation prior to the Zoning Ordinance adoption in 1972, thus, the spa and swimming has been on going and considered a grand father use within the OST-20 zone. Approximately 10 years ago, the use was expanded to a bed and breakfast and

conference rooms, which were conditionally approved. Mr. Anderson indicated they no longer run the bed and breakfast facility. Whereas, there is an annexation in process with LaVerkin City, they were notified of this request and meeting date. LaVerkin City has approved of this being reviewed by the county. The applicant would like to move forward on the development of the zip lines, creating a recreational facility on this property. The commission should be concerned about engineered plans and compliance to LaVerkin City regulations, water and sanitary facilities, and emergency services available. Mr. Anderson has been notified that the Public Works Department would like to have a complete set of construction drawings, prior to action taken by the Planning Commission. A representative is here to discuss this item.

Dave Patterson, Lead Civil Attorney, provided the commission with history of this parcel stating Mr. Anderson applied for annexation into LaVerkin back in 2007, Hurricane City filed a protest and The Boundary Commission would not be involved with the protest because it was not timely filed and based on that it went back to LaVerkin to complete the annexation. Mr. Patterson said he has discussed this issue with Kevin Bennet, LaVerkin's Attorney, and Mr. Bennett stated they have completed the paper work on this and they gave it to Mr. Anderson back in November and he is yet to sign it. Mr. Patterson has also discussed this with Russ Gallian, Mr. Anderson's Attorney, and he explained they have had some difficulties with LaVerkin and would like to proceed with the County at this point. Mr. Patterson asked the commission to look at the letter from LaVerkin City, saying they have included a list of requirements that they would like to be met, some of which are appropriate and some that may not be feasible. He said it is unclear whether this annexation will even take place and it is important that the project meets county standards. He included information from the county ordinance (10-22-5) that pertains to development proposed within a municipality's expansion area.

Karl Rasmussen, engineer for Mr. Anderson, in reply to Mr. Patterson stated LaVerkin had a list of requirements they wanted met, such as having improvements complete prior to being annexed, which is why Mr. Anderson decided to stay with the county.

Mr. Patterson informed him that he did not think staying with the county was going to be a bargain as far as improvements and such, but Mr. Anderson has elected to go through the county and if the annexation does take place, the use will be grandfathered in.

The Commission said since this project does need to meet LaVerkin's standards they would need the time to review them.

Chairman Stucki did not think the application was complete.

Mr. Patterson agreed saying the sewer has not been addressed, he did not think the conditional use permit for the storage building should be separated from this conditional use, saying they all should tie together. He also said Mr. Anderson should submit a traffic plan and any future proposed buildings and uses.

Karl Rasmussen said Mr. Anderson wants to use the building he had previously approved for a maintenance building and he does have a letter from Ash Creek approving the septic.

Ron Whitehead, Public Works Director, informed the applicant and the commission of a few items the Public Works Department would like to see, including: septic, traffic plan, how people are going to get from the bottom back up, restrooms facilities, drinking water, any plans to move utilities, etc.

Chairman Stuck said the commission has the option to table or deny the application.

Mr. Rasmussen stated he thought it was premature to deny the application because Mr. Anderson would still be back to pursue this project.

The Planner explained Mr. Anderson has met with staff and been informed of the required information needed to process his application.

Chairman Stucki recommended the commission deny the motion to send a message and let Mr. Anderson read the ordinance, bring in the required information and reapply. He said he did not think it was necessary to babysit Mr. Anderson through the process.

Mr. Patterson informed the commission that the county has an obligation to process this application as long as the annexation is not complete.

Chairman Stucki agreed but said he did not think they needed to spend every waking moment helping him through this. He explained he is a responsible adult and he needs to handle this professionally.

Mr. Whitehead stated he would be happy to sit down with Mr. Anderson or his engineer and go over what we need to see on this plan for the commission to have the full picture.

Chairman Stucki said that had been done numerous times and the applicants have not been forthcoming. Therefore, he did not think the commission should move forward with this application.

Mr. Rasmussen said it would have been nice to have the list the commission is referring too and the Chairman informed him that it was Mr. Anderson's responsibility to come and get it.

Kurt Gardner, Building Official, addressed the commissions request for engineering on the zip line saying he thought it was excessive to require the engineered plans for a conditional use permit because the building department would review the engineering if the conditional use was approved. He added the engineering for this project will be extensive and should not be required up front.

Chairman Stucki said the commission gets to see an extensive view of the applicant's proposed conditional use.

Mr. Patterson said the Washington County Code 10-18-5 and 10-18-6 require a development plan and the planning commission can approve the conditional use if reasonable conditions have been met as set forth in that ordinance and Mr. Anderson has not met the list of requirements set forth.

Mr. Gardner clarified his position saying he understood the applicant may not have met the requirements listed in the ordinance; however he did not think engineering was a requirement of the ordinance.

Mr. Whitehead read County Code 10-18-5 (Development Plan), which list the requirements the commission would like to see.

Motion was made by Commissioner Balen to table this request for Conditional Use Permit. Commissioner Christopher seconded the motion. Commission Wilson abstained. The other three (3) Commissioners and the Chairman voted aye. The motion carried.

Item # 7. PUBLIC HEARING. Open hearing for Washington County Land Use Authority on an amendment to the Residential Estates Zone, which is a housekeeping item to the Washington County Land Use (Zoning) Ordinance. County initiated.

The Chairman opened the public hearing at 2:47 p.m.

The commission will need to open a public hearing as referenced by State Code, whereas amending Washington County Land Use Ordinance requires a minimum ten days published notice and 24 hour posting of agenda before other public meetings and that requirement has been met.

The Planner explained when an ordinance amendment is approved the attorney then prepares an ordinance for the County Commission to adopt that then goes into effect.

Hearing closed at 2:53 p.m.

Item #8. ORDINANCE AMENDMENT. Consider approval of changes to Title10, Chapter 8B: Residential Estates Zone, Section 10-8B-3.B.c: Conditional Uses: ten (10) day notice prior to hearing. County initiated.

The staff reviewed the ordinance amendment and said it is a “housekeeping” item in an effort to take care of changes to the ordinance that are the differences between ordinance and State Code. At the previous work meeting the planning commission agreed with staff that this change could be reviewed by going directly to the advertising process for a hearing process on the 9th of February and was previously tabled. This was properly advertised.

Facts/findings:

- **Consistent with other notifications and time lines**

All four (4) commissioners unanimously voted aye on this fact and finding.

Motion was made by Commissioner Balen to recommend adoption of ordinance amendment, based on fact and finding. Commissioner Christopher seconded the motion, with all four (4) commissioners voting aye.

Item #9. STAFF DECISIONS. Review of decisions from the Land Use Authority Staff Meeting held on March 2, 2010. County initiated.

The staff meeting convened at 9:30 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; Rachelle Ehlert, Deputy Civil Attorney; Todd Edwards, County Engineer; Darwin Hall, Ash Creek Special Service District Director; and Laurence Parker, Southwest Utah Public Health Department.

Excused: Ron Whitehead, Public Works Director; Tina Esplin, Washington County Water Conservancy District; Paul Wright, Department of Environmental Quality; and Robert Beers, Southwest Utah Public Health Department

CONDITIONAL USE PERMIT EXTENSION:

A. Review extension to build an accessory dwelling (library, reading room) within the RA-1 zone, Adobe Hills Phase 5A, Lot 94. Bill Bryan, applicant and Trey Collyer, agent

The planner advised that this would be the 4th extension, although, this item was inspected for final occupancy on February 15, 2008, it was not reported at the March 2, 2009 meeting. The log sheets were not current at that time, so now, the planner asked for a permanent status review. The applicant previously met the requirements for the accessory dwelling units by submitting a site plan, and a letter from the Health Department stating that the existing system is sufficient for the proposed building. Accessory dwellings are conditionally approved within the RA-1 zone, with this property being a legally platted and recorded lot. The property is accessed from 1600 West. The site plan meets all setback requirements and elevations meet the height requirements. The final inspection was done by Building Inspector Bill Weaver. **Staff felt there should be no problem in granting the Conditional Use Permit on a permanent basis.**

B. Request permission for a single family dwelling to be constructed within the OST -20, Section 9, T41S, R15W, SLB&M, generally located 4 miles north of the turkey farm on the southwest side of Pine Valley Mountain. Ellis Project w/Rosenberg Associates, agent

The planner advised that the previous permit was for an Ag building and single family dwelling approved and extended on July 7, 2009, whereas, the applicant exchanged that permit for a cabin, utilizing the only domestic water right from the well. These types of uses are conditionally approved for a single family dwelling. The applicant has met the requirements for the use permit by submitting a site plan, a letter of review from the Washington County Conservancy District (WCWCD), with a septic permit being issued by the Southwest Utah Public Health Department (SWPHD). The applicant is still working with the City of St. George for additional water service to be upgraded to domestic water service for future construction. The plan meets 25' setback requirements on all sides of the property. The property is accessed from a Forest Service Road. The parcel is within the OST zone and contains 50+ acres. There was reference on the winery for personal use and the process they go through for State licensing. **Staff felt there should be no problem in extending this for 6 months, whereas the Building Department code cycle will change in July and permit will be evaluated at that time.**

CONDITIONAL USE PERMIT:

A. Request a 2nd dwelling for a family member within the RA-5 zone in Blackridge Ranches - Phase 3, Lot 204 near New Harmony. Gary Steineckert, applicant

The applicant meets most of the requirements for the 2nd dwelling unit by submitting a site plan, floor plan, and a letter from the Health Department stating that the existing system with expansion is sufficient for the proposed building. The applicant failed to obtain approval on density from Ash Creek Special Sewer District. Mr. Hall explained that the district's board members would need to approve this use and felt that they would look favorable on this request, whereas there was a restroom approved in the existing workshop over 4 years ago. The planner advised that 2nd dwellings are conditionally approved within the RA-5 zone, with this property being a legally platted and recorded lot. The property is accessed from 2300 East in Blackridge. The site plan meets all setback requirements. **The staff decided to grant approval of the Conditional Use Permit, subject to the applicant obtaining approval from the Ash Creek Special Service District.**

Item # 10. MINUTES Consider approval of the minutes of the regular planning commission and work meetings held on February 9 and 23, 2010.

Motion was made by Commissioner Balen to approve the minutes from February 9, 2010. Commissioner Christopher seconded the motion. Six (6) commissioners voted aye.

Motion was made by Commissioner Balen to approve the minutes from February 23, 2010. Commissioner Wilson seconded the motion. Six (6) commissioners voted aye.

Item # 11. COUNTY COMMISSION ACTION REVIEW Review of action taken by the County Commission on Planning Items. County initiated.

The Planner reviewed the action taken on Planning Items by the Washington County Commission on March 2, 2010, beginning at 4:00 p.m. : (a) Conditional use extension to expand the sewer lagoons for the Town of Enterprise within the A-20 Zone, Section 12, T38S, R17W, SLB&M, generally located 1/4 mile south of Enterprise... Enterprise City, applicant; (b) Conditional use extension on a Lake to Lake Team Relay from Gunlock Reservoir to Sand Hollow Reservoir, sponsored by City of St. George Recreation... St. George City/Aaron Metler, applicant; (c) Conditional use extension for the "Redrock Relay Race" from Brian Head to Kolob Road, through the communities, then on to Hwy 91 to the Gunlock Road, ending at Veyo, Saturday, September 10, 2010, within the County unincorporated areas... Tim Collings, applicant; (d) Conditional use permit for the "IRONMAN" St. George Triathlon to take place in Washington County on May 1, 2010... Jeff Gardner, agent; (e) Conditional use permit for a charity event for New Harmony Fire Mud Run to be held on May 22nd, 2010, races include a 10Km 5Km, or 1Km youth, located at the Old Highway 91 bridge in Kolob Mtn. Ranches Subdivision... Andrew Osborn, agent; and (f) Conditional use and extension for a charity ride Tour De St. George to be held on March 12, 14 and 27, 2010. The route will loop from St. George up Hwy 18 to Veyo then back via the road from Veyo to Gunlock and Hwy 91 back to St. George. Spin Geeks, LLC/Chris Mathisen, applicant. She informed the commission that these were approved as per the Planning Commissions recommendations.

Item # 12. COMMISSION & STAFF REPORTS: General reporting on various topics.
County initiated.

There being no further business at 3:05 p.m., Chairman Stucki adjourned the meeting.

Darby Klungervik, Planning Secretary